

501 CMR: EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

501 CMR 8.00: STANDARDS FOR LAW ENFORCEMENT TRAINING IN THE USE OF ELECTRONIC CONTROL WEAPONS AND THE SALE OF ELECTRONIC CONTROL WEAPONS IN THE COMMONWEALTH

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8.01: Purpose

The purpose of 501 CMR 8.00 is to establish rules and regulations governing law enforcement training in the use of electronic control weapons and sale of electronic weapons in the Commonwealth.

8.02: Statutory Authorization

501 CMR 8.00 is promulgated pursuant to M.G.L. c. 140, § 131J, requiring the Secretary of Public Safety to promulgate rules and regulations governing the sale of control electronic weapons in the Commonwealth and the training of law enforcement on the appropriate use of such weapons.

8.03: Definitions

Authorized Officer. A federal, state or municipal law enforcement officer, or member of a special reaction team in a state prison or designated special operations or tactical team in a county correctional facility.

Electronic Control Weapon or Device. Any portable device or weapon from which an electrical current, impulse, wave or beam may be directed which such current, impulse, wave or beam is designed to temporarily incapacitate.

8.04: General Qualifications for the Possession and Use of Electronic Control Weapons

(1) In order to qualify for admission into an approved training program for the use of electronic control weapons, an authorized officer must:

- (a) Be currently employed as an authorized officer;
- (b) Have successfully completed a defensive tactics training course approved by the Municipal Police Training Committee or approved by the Colonel of the Massachusetts State Police; and
- (c) Be authorized by the officer's department to carry a firearm in the performance of the officer's duty and have successfully completed firearms training as approved by the Municipal Police Training Committee (MPTC) or the Colonel of the Massachusetts State Police (MSP).

(2) Except for training purposes an authorized officer shall not possess or carry an electronic control weapon until successfully completing an approved training program for the use of electronic control weapons.

8.05: Training Programs on the Use of Electronic Control Weapons

(1) Only training programs certified by the MPTC or the MSP may be approved by the Secretary of Public Safety and Security for meeting electronic control weapon training requirements. Those programs must contain, at a minimum, the following components:

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- (a) Not less than six hours of training;
 - (b) A review of the mechanics of an electronic control weapon;
 - (c) Illustration of the medical issues involved with the use of an electronic control weapon, including, but not limited to, information regarding the effects of electronic control weapons on individuals with pre-existing medical and other conditions and information on and a demonstration regarding the removal of probes from an individual after an electronic control weapon has been discharged;
 - (d) Segments on weapon proficiency for trainees, including a demonstration on the accurate discharge of an electronic control weapon, practice discharge of an electronic control weapon by trainees, exercises wherein the trainee practices transitioning to and from an electronic control weapon, and scenario exercises involving electronic control weapons;
 - (e) A segment on the use of an electronic control weapon as a force option and a review of the department's use-of-force policy and the electronic control weapon's relation to other weapons, tools, and tactics within the department's use-of-force policy; and
 - (f) Testing to demonstrate knowledge of protocols, use, and effects of electronic control weapons.
- (2) All authorized officers who have successfully completed the authorized training program pursuant to 501 CMR 8.05(1) must then complete an annual recertification training of no less than one hour consisting of:
- (a) A review of the department's use-of-force policy and other policies and procedures related to electronic control weapons;
 - (b) Updates regarding the electronic control weapon;
 - (c) Testing to demonstrate knowledge of areas such as policies, protocols, use, and effects of electronic control weapons; and
 - (d) A demonstration of proficiency with the electronic control weapon.
- (3) Prior to training authorized officers, every department and agency must submit to the Secretary of Public Safety and Security at the Executive Office of Public Safety and Security, One Ashburton Place, Boston, MA 02108, the following:
- (a) A copy of the department's use-of-force policy incorporating electronic control weapons;
 - (b) A copy of the department's policy regarding training, recertification, and training hours related to electronic control weapons;
 - (c) An overview of the department's data collection protocol; and
 - (d) A copy of the department's policy affirming it will comply with the statutory reporting requirements as set forth in M.G.L. c. 140, § 131J.

8.06: Certification Requirements for Training Instructors

Training instructors for any approved training program for state or municipal police officers, county sheriffs and Department of Correction employees on the use of electronic control weapons must be certified by the Municipal Police Training Committee (MPTC). Training instructors for Massachusetts State Police troopers and special state police officers must be certified by the Colonel of the Massachusetts State Police (MSP). At a minimum, the instructor must:

- (a) Attend the instructor training program provided by the manufacturer(s) of the electronic control weapon(s) to be used by the department, which must consist of no less than 16 hours of instruction covering training on the use of electronic control weapons;
- (b) Attend the MPTC or MSP instructor certification course; and
- (c) Attend the MPTC or MSP instructor recertification training, respectively, every two years.

8.07: Requirements for the Sale of Electronic Control Weapons

(1) Manufacturers and dealers of electronic control weapons can only sell such weapons meeting the specifications defined in M.G.L. c. 140, § 131J, in the Commonwealth to the following departments: the Massachusetts State Police, Massachusetts Bay Transportation Authority Police, Environmental Police, any federal law enforcement agency, any municipal police department, the Department of Correction and any county sheriffs' departments for use by officers as authorized by M.G.L. c. 140, § 131J, the Municipal Police Training Committee for use by authorized training officers, and any statutorily authorized law enforcement agency approved by the Secretary of Public Safety and Security.

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(2) Any manufacturer or dealer seeking to sell electronic control weapons in the Commonwealth must be a licensed firearms dealer pursuant to M.G.L. c. 140, §§ 122, 123, and comply with the firearm licensing requirements of M.G.L. c. 140 and the provisions and protocol of the Massachusetts Instant Record Check System (MIRCS).

(3) Any licensed dealer seeking to sell electronic control weapons in the Commonwealth must notify the Executive Director of the Firearms Records Bureau in writing of his or her intent to sell electronic control weapons for inclusion in the MIRCS database.

8.08: Severability Clause

If any article, section, subsection, sentence, clause or phrase of 501 CMR 8.00 is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Secretary of Public Safety and Security or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of 501 CMR 8.00.

REGULATORY AUTHORITY

501 CMR 8.00: M.G.L. c. 140, § 131J.